

By: Senator(s) Doxey

To: Judiciary, Division B

SENATE BILL NO. 2455

1 AN ACT TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE LIFETIME REGISTRATION REQUIREMENT UNDER THE SEX  
3 OFFENDER REGISTRATION LAW FOR A JUVENILE ADJUDICATED DELINQUENT  
4 FOR RAPE; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 45-33-47, Mississippi Code of 1972, is  
7 amended as follows:

8 45-33-47. (1) A sex offender with a duty to register under  
9 Section 45-33-25 shall only be relieved of the duty under  
10 subsection (2) of this section.

11 (2) A person having a duty to register under Section  
12 45-33-25 may petition the circuit court of the sentencing  
13 jurisdiction, or for a person whose duty to register arose in  
14 another jurisdiction, the county in which the registrant resides,  
15 to be relieved of that duty under the following conditions:

16 (a) The offender has maintained his registration in  
17 Mississippi for not less than ten (10) years from the most recent  
18 date of occurrence of at least one (1) of the following: release  
19 from prison, placement on parole, supervised release or probation.  
20 Incarceration for any offense will restart the ten-year minimum  
21 registration requirement. Registration in any other jurisdiction  
22 or state does not reduce the ten-year time requirement for  
23 maintaining registration in Mississippi.

24 (b) If the offender has been convicted of one (1) of  
25 the following offenses, the offender is subject to lifetime  
26 registration and shall not be relieved of the duty to register:

27 (i) Section 97-3-65 relating to rape;

28                   (ii) Section 97-3-71 relating to rape and assault  
29 with intent to ravish;

30                   (iii) Section 97-3-95 relating to sexual battery;

31                   (iv) Subsection (1) or (2) of Section 97-5-33  
32 relating to the exploitation of children;

33                   (v) Section 97-5-41 relating to the carnal  
34 knowledge of a stepchild, adopted child or child of a cohabiting  
35 partner; or

36                   (vi) Any conviction for violation of a similar law  
37 of another jurisdiction or designation as a sexual predator in  
38 another jurisdiction.

39           (c) An offender who has two (2) separate convictions  
40 for any of the offenses described in Section 45-33-23 is subject  
41 to lifetime registration and shall not be eligible to petition to  
42 be relieved of the duty to register as long as at least one (1) of  
43 the convictions was entered on or after July 1, 1995.

44           (d) An offender, twenty-one (21) years of age or older,  
45 who is convicted of any sex offense where the victim was fourteen  
46 (14) years of age or younger shall be subject to lifetime  
47 registration and shall not be relieved of the duty to register.

48           (e) An offender \* \* \* adjudicated delinquent in a youth  
49 court for the crime of rape pursuant to Section 96-3-65 or sexual  
50 battery pursuant to Section 97-3-95 is subject to lifetime  
51 registration and shall not be eligible to petition to be relieved  
52 of the duty to register.

53           (f) Registration following arrest or arraignment for  
54 failure to register is not a defense and does not relieve the sex  
55 offender of criminal liability for failure to register.

56           (g) The department shall continue to list in the  
57 registry the name and registration information of all registrants  
58 who no longer work, reside or attend school in this state even  
59 after the registrant moves to another jurisdiction and registers

60 in the new jurisdiction as required by law. The registry shall  
61 note that the registrant moved out of state.

62 (3) In determining whether to release an offender from the  
63 obligation to register, the court shall consider the nature of the  
64 registrable offense committed and the criminal and relevant  
65 noncriminal behavior of the petitioner both before and after  
66 conviction. The court may relieve the offender of the duty to  
67 register only if the petitioner shows, by clear and convincing  
68 evidence, that the registrant properly maintained his registration  
69 as required by law and that future registration of the petitioner  
70 will not serve the purposes of this chapter and the court is  
71 otherwise satisfied that the petitioner is not a current or  
72 potential threat to public safety. The district attorney in the  
73 circuit in which the petition is filed must be given notice of the  
74 petition at least three (3) weeks before the hearing on the  
75 matter. The district attorney may present evidence in opposition  
76 to the requested relief or may otherwise demonstrate the reasons  
77 why the petition should be denied. If the court denies the  
78 petition, the petitioner may not again petition the court for  
79 relief until one (1) year has elapsed unless the court orders  
80 otherwise in its order of denial of relief.

81 (4) The offender will be required to continue registration  
82 for any sex offense conviction unless the conviction is set aside  
83 in any post-conviction proceeding, the offender receives a pardon,  
84 the charge is dismissed or the offender has received a court order  
85 pursuant to this section relieving him of the duty to register.  
86 Upon submission of the appropriate documentation to the department  
87 of one (1) of these occurrences, registration duties will be  
88 discontinued.

89 **SECTION 2.** This act shall take effect and be in force from  
90 and after July 1, 2007.